

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

LUCIANO CAMBEROS-VILLAPUDA, Movant, vs. UNITED STATES OF AMERICA, Respondent.	4:17-CV-04161-KES ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING MOTION
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Movant, Luciano Camberos-Villapuda, filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. Docket 1. The court referred the motion to Magistrate Judge Veronica Duffy. On June 14, 2018, Magistrate Judge Duffy submitted a report and recommended that respondent's motion to dismiss be granted and that all of Camberos-Villapuda's claims for relief be dismissed. Docket 15. The time for objections has passed and no objections to the report and recommendation have been filed under 28 U.S.C. § 2254, Rule 8(b)(3). The court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that the magistrate judge's report and recommendation (Docket 15) is adopted in full and respondent's motion to dismiss (Docket 8) is granted.

IT IS FURTHER ORDERED that based upon the reasons set forth herein and under Fed. R. App. P. 22(b), the court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Therefore, a certificate of appealability is denied.

DATED this 14th day of August, 2018.

BY THE COURT:

/s/ Karen E. Schreier
KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE